



DENTAL BOARD OF CALIFORNIA
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**November 7, 2003
Board Meeting
Minutes**

The meeting convened at 9:30 am. Roll was taken and a quorum was established.

Members Present:

Alan Kaye, DDS
La Donna Drury-Klein, RDA
Newton Gordon, DDS
Lawrence Hundley, DDS
Patricia Osuna, RDH
George SooHoo, DDS via telephone
Ariane Terlet, DDS
Chester Yokoyama, DDS

Members Absent:

David Baron
Michael Pinkerton

Approval of Minutes:

Ms. Tricia Osuna asked for an amendment to the minutes to reflect that Mr. Pinkerton added an amendment that the fact sheet that was voted on, in concept, is to replace the current fact sheet.

Dr. Chester Yokoyama requested the official vote of 7-1 be reflected in the minutes.

Legal Counsel, Ms. Norine Marks noted that the report of the Exam Appeals Committee that was given the day before was excluded from the minutes.

The approval of the minutes was postponed until the report of the Exam Appeals Committee could be verified and included in the minutes.

President's Report:

Dr. Kaye gave kudos to all members and staff. Dr. Kaye also gave a brief summary of each board member and their active roles on various committees.

Executive Officer's Report:

Ms. Cynthia Gatlin reported on the following:

- Current Budget Situation
- Strategic Plan Update – Reviewed the results of the September Strategic Session and will have a report to the members at the January meeting.
- Board Member Manual – Thanked the members for their comments and requested adoption of this manual to go into effect January 1, 2004. It was m/s/c (Osuna/Kaye) to adopt the manual as a working document.
- Her attendance to the AADE Annual Meeting and her intention to become a member of the Association for Administrators. She also announced the members of the Transition Team for DCA.
- Provided Monthly Staff Stats to give the members an idea of daily workload of staff.
- Informed the members of requests for applications for board evaluation and approval from five foreign dental schools.

Dr. SooHoo suggested an email address be established and put on the website for candidates to ask questions about the exam and someone respond rather than the candidates trying to get through on the phone lines.

Election of Officers:

Dr. George SooHoo nominated Dr. Newton Gordon for President. The nomination was seconded by Ms. La Donna Drury-Klein. It was m/s/c.

Ms. Tricia Osuna nominated Dr. Chester Yokoyama for Vice President. Ms. LaDonna Drury-Klein nominated Dr. George SooHoo for Vice President. It was m/s/c for Dr. SooHoo to be Vice President.

Dr. Lawrence Hundley nominated Ms. LaDonna Drury-Klein for Secretary. It was m/s/c.

Set Meeting Dates for 2004:

The following board meeting dates were approved for 2004:

January 29-30 – Sacramento
March 11-12 – San Diego
May 13-14 – San Francisco
August 19-20 – Los Angeles
November 4-5 – Sacramento

Enforcement Monitor Update

The board's response to the Third Report of the Enforcement Monitor was submitted as information only.

Blue Ribbon Panel on Anesthesia Report

Dr. John Yagiela, Chair of the Blue Ribbon Panel, provided a written report to the members with their suggested changes for the anesthesia community. The Anesthesia Committee will take a closer look at the report, and decide what action to recommend to the board.

COMDA Committee Report

New Committee Chair, Shanda Wallace, RDH, introduced the other new members of COMDA that were present.

The request for approval of Proposed new regulation of Pit and Fissure Sealant Courses was withdrawn by COMDA. They have decided to form a subcommittee to investigate this issue and bring it back to the board at a later date.

Ms. Wallace requested the board's approval on the proposed changes to 1072.1- Admission Requirements for RDH Educational Programs. It was m/s/c (Klein/Osuna) to approve the proposed language and set for hearing.

Ms. Wallace requested approval of the following Educational Programs and Courses:

- Bryman College in Los Angeles and Whittier were withdrawn due to the fire in Southern CA and their inability to complete site reviews.
- My Dentist: School of Dental Assistants, Huntington Park – requesting continued provisional approval due to the lack of students passing through this program; staff does not have enough information to recommend full approval at this time.
- Shasta-Trinity ROP, Redding – requesting full approval.

It was m/s/c (Klein/Terlet) to approve.

Infection Control Committee Report

Committee Chair, Ms. LaDonna Drury-Klein, recommended approval of the proposed regulation with the following amendment and to set for regulatory hearing:

(3) Health care workers shall wear surgical facemasks and either in combination with chin length plastic face shields or surgical masks and protective eyewear when treating patients.

It was m/s/c (Klein/Hundley) to amend proposed regulation and to set for regulatory hearing.

Diversion Evaluation Committee Liaison Report

Committee Chair, Ms. LaDonna Drury-Klein, reported that the first annual DEC Conference is scheduled for February 6, 2004.

The revised Diversion Handbook is near completion. A final version will be submitted at the January 2004 meeting for approval.

Ms. Klein recommended appointment of the following DEC Members:

Rita Weisberg, DDS

Lana Wright, RDA

Kathleen Shanel-Hogan, DDS

The quarterly statistics were provided as information only.

It was m/s/c (Yokoyama/Terlet) to appoint new DEC Members.

Dental Materials Fact Sheet Committee

Board President, Dr. Alan Kaye, gave a brief historical background on the Dental Material Fact Sheet and the prior board's agreement with the Consumers for Dental Choice to develop a consumer-friendly version of the fact sheet. Although this agreement was made with the prior board, Dr. Kaye and Mr. Pinkerton, along with the newly created board agreed to honor the commitment to Mr. Charlie Brown to create a consumer-friendly fact sheet. As a result, Dr. Chester Yokoyama and Dr. Ariane Terlet were appointed to this committee to oversee the production of this fact sheet. The committee was instructed to create a consumer-friendly fact sheet mirroring the existing fact sheet and to have it reviewed by the Department of Consumer Affairs' Communication and Education Division for readability. The final product was presented at this meeting for the board's review.

Committee Chair, Dr. Chester Yokoyama made a motion to adopt the consumer-friendly fact sheet and to distribute it as appropriate. The motion was seconded by Ms. Tricia Osuna.

Public comments were given by the following:

- Ms. Lois Hill-Hale – Press Secretary for Congresswoman Diane Watson
- Ms. Ruth Deutsch – Consumer
- Ms. Anita Vasquez – Consumers for Dental Choice
- Professor James Adams - Consumer
- Mr. Charlie Brown – Consumers for Dental Choice
- Mr. Grant Laden - Consumer

- Dr. Joel Berick – General Dentist
- Dr. Robert Viasagna – Mercury-Free Dentistry of Mexico
- Dr. George Schuchard – Restorative Prothsdontist
- Ms. Cathy Mudge – California Dental Association
- Dr. William Heisler – Professor at Loma Linda University
- Ms. Kellie Gallahger – Consumer
- Dr. Luis Dominicis – Latino Dental Association
- Mr. Jim Clark – Staff member for Congresswoman Diane Watson

Dr. Newton Gordon commented that some of the language in the fact sheet is considered inflammatory to some groups and that the board should come to a consensus as to how to clear up this difference. He suggested the following changes:

~~- In March 2003, organized dentistry issued the following warning as part of a notice to patients:~~

- A message to parents and pregnant women: Mercury ~~can~~ may harm the developing brain of a child or fetus, ~~an intense debate exists about the risks of dental amalgam for children and pregnant women.~~ There is intense debate about the risks of mercury in dental amalgam. The outcome or result on the safety of dental amalgam is not final.

- Composite filling material such as

Dr. George SooHoo asked if this version of the fact sheet complied with B&P Code Section 1648.10 and if it included all the materials listed in the existing fact sheet. Legal Counsel, Ms. Norine Marks, verified that the proposed fact sheet did not include all the materials referenced in the statute or listed in the existing fact sheet. She suggested that if these materials are still currently being used by the profession, then they needed to be included in this fact sheet. Ms. Marks asked the board to clarify whether this fact sheet is an update to the existing fact sheet and will be replacing it or if it will be given to patients in addition to the current fact sheet.

Dr. Yokoyama agreed to amend his motion to include the suggested changes and have the board vote on it right now.

It was m/s/c (Klein/Gordon) to approve the new Dental Materials Fact Sheet in concept, with proposed amendments, considering the existing DMFS according to law and board member edits. The committee will meet separately to develop final language for full board approval by 12/31/03.

Examination Committee Report

Dr. Ariane Terlet chaired the Exam Committee Meeting in Dr. George SooHoo's absence. The committee convened at 11:30 am. All members were present except Dr. George SooHoo.

3. Approval of Minutes - The minutes of the July 10, 2003 meeting were approved with amendments.

4. Approval of 2004 Exam Dates - A revised exam schedule was submitted changing the location of the Sept 9-13 exam to USC instead of Loma Linda. The committee delegated to staff the authority to change dates and locations as needed.
5. Proposed Change to Section 1041 (Examination Requirements) – It was m/s/c to set for hearing Section 1041 with the delegation to staff, to make non-substantive changes.

Dr. Terlet informed the Committee of her desire to have another Committee meeting outside of the board meeting to discuss and draft policies and procedures for:

- Board Member Roles at the Exams
 - Job description, responsibility and authority of the Exam Chair.
 - Use of student DAs at the Clinical Exam.
6. Occupational Analysis – Ms. Cynthia Gatlin provided the following history of the occupational analysis. The last one was done in FY 95/96. A BCP was approved for FY 01/02, but the Request For Bid did not get processed in time, so the money was reverted. Another BCP will be submitted for FY 05/06. Ms. Gatlin will also request assistance from the Office of Exam Resources to perhaps get the analysis completed sooner. In conjunction with the occupational analysis, the board is required to do a survey of training and practices for Oral Maxillofacial Surgeons.
 7. Dr. Terlet would like the committee to start thinking about how they would like to define the roles of board members at exams, and putting together an Exam Manual/Guidelines to present at the January meeting.
 8. Again, discussion was initiated to start drafting a policy clarifying board issues vs staff issues at the exams. Dr. Terlet is requesting the Chief Examiners be a part of this process.
 9. Dental Exam Statistics – Provided as information only.
 10. Auxiliary Statistics – Provided as information only.
 11. Proposed Changes to Section 1033.1 (General Procedures for Clinical Dental Licensure Examination)- It was m/s/c to set for hearing section 1033.1 amended to include 1st year hygiene students.
 12. Proposed Changes to Section 1028 – This item was tabled at the request of Dr. Terlet.
 13. Utilizing Student DAs at the Clinical Exam – This issue will be discussed in more detail at the offsite Exam Committee Meeting.

Staff was directed to gather all prior policies, guidelines, job descriptions and manuals pertaining to Exams for the offsite committee meeting.

The Exam Committee adjourned at 12:15 pm.

It was m/s/c to approve the report as presented.

Enforcement Committee Report

Dr. Alan Kaye chaired the Enforcement Committee Meeting in Mr. Pinkerton's absence.

3. Approval of Minutes – The minutes of the July 10, 2003 meeting were approved with amendments.
4. Special Permit Approval – Approval was granted to the following:
 - Gregory Steven Meyers of UCSF
 - Fidel Jose Torres of LLU
 - Chad Gregory Robertson of UCSF – provisional pending fingerprint clearance
 - Fernando Verdugo of USC – provisional pending fingerprint clearance
5. Extramural Facility Approval – Approval was granted to UOP's St. Raphael's Dental Clinic and San Joaquin General Hospital.

Huntington Beach Community Dental Clinic was approved on condition of receiving their Infection Control Protocol.
6. Addition to Cite and Fine Table – This was provided as information only.
7. Review of Pass/Fail Evaluation – It was m/s/c to determine the onsite inspection was a "fail".
8. Public Disclosure Policy – The committee directed staff to come back with existing policies and suggested changes.
9. FY 02/03 Enforcement Statistics – Provided as information only.

It was m/s/c to approve the committee's report as presented.

Legislative Committee Report

Ms. Linda Madden gave a brief update on all bills as information only.

Regulatory Hearings – The following were heard:

- Section 1021 – Increase of fee for Conscious Sedation/General Anesthesia On-site Inspection
- Section 1079.2 – Definition of Equivalent of Bachelor's Degree for RDHAP
- Section 1082.3 – RDH Exam in CA Law and Ethics

No public comments were made during these hearings.

Public Comment

Dr. Joel Berick expressed his disappointment of the board's decision to expedite the Fact Sheet rather than focusing on accuracy. It was decided that the modified Fact Sheet will go out with the meeting notices so the public will have a chance to review it prior to the teleconference meeting.

Ms. LaDonna Drury-Klein would like to make it Board policy that under no circumstances do the members get handed items to review the day of the board meeting. If handouts cannot be provided 10-14 days prior to the meeting, they will not be considered. Dr. Ariane Terlet clarified by stating if the issue requires Board action, it will not be considered, but handouts for information, are okay.